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In The Matter Of:

MADELINE RUIZ, et al.

v.

MARDI GRAS ENTERTAINMENT, INC., et al.

TAYLOR, JESSICA - Vol. 1

April 27, 2011

MERRILL CORPORATION

Legalink, Inc.

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COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

Superior Court

MADELINE RUIZ, PAULA MASSA,

GINA GINOLFI, ROBERT BRUSO,

MAUREEN RUSHBY, JESSICA TAYLOR,

RAMONA CRUZ, RAMONA ROGERS, and

PATRICIA CARBONE, on behalf of themselves

and allothers similarly situated

Plaintiffs

v.

CA No. 10-00034-A

MARDI GRAS ENTERTAINMENT, INC.,

THE WORTHINGTON SHOPS, INC.,

JAMES SANTANIELLO, ANTHONY

SANTANIELLO, HELEN SANTANIELLO,

and Their Other Corporate Presidents

and Officers

Defendants

DEPOSITION of JESSICA TAYLOR

Wednesday, April 27, 2011 - 10:55 a.m.

Seyfarth Shaw LLP

Boston, Massachusetts

Reporter: Jill K. Ruggieri, RMR/CRR

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<p style="text-align: right;">Page 186</p> <p>1 Who in management did you hear here say</p> <p>2 that?</p> <p>3 A I don't know.</p> <p>4 Q Okay.</p> <p>5 A It's just a general type of general knowledge. And</p> <p>6 maybe it's incorrect, but I -- that's what's assumed</p> <p>7 by everyone as far as I've ever been led to believe.</p> <p>8 Q Okay.</p> <p>9 A No question about it.</p> <p>10 Q How do you know what other people assumed?</p> <p>11 A I don't, but just based on anything I've ever heard</p> <p>12 anybody say regarding issues like this. Just taken</p> <p>13 for granted, I guess.</p> <p>14 Q Are you familiar with Mardi Gras Entertainment, Inc.?</p> <p>15 A No, I'm -- that's who I think the checks come from,</p> <p>16 but I don't know what it means or who it is.</p> <p>17 Q So you don't have any understanding as to what that</p> <p>18 entity is?</p> <p>19 A No.</p> <p>20 Q You don't have any understanding as to what that</p> <p>21 entity does?</p> <p>22 A Nope.</p> <p>23 Q You don't have any understanding as to who owns that</p> <p>24 entity?</p>	<p style="text-align: right;">Page 188</p> <p>1 one. Maybe I don't know about --</p> <p>2 Q So you're familiar with one investigation?</p> <p>3 A Yes.</p> <p>4 Q What do you know?</p> <p>5 A Well, I remember -- this is probably before '07, I</p> <p>6 think, that someone came from the Department of Labor</p> <p>7 and they were supposed to interview us all, all the</p> <p>8 bartenders and stuff, in the basement at the Mardi</p> <p>9 Gras.</p> <p>10 Q Okay.</p> <p>11 A I don't know if the thing that's going on now or</p> <p>12 happened or whatever is associated with it or not,</p> <p>13 but --</p> <p>14 Q Did you speak with anybody at that time?</p> <p>15 A Yes.</p> <p>16 Q Who did you speak with?</p> <p>17 A I don't remember the person's name.</p> <p>18 Q But you spoke with somebody from the Department of</p> <p>19 Labor?</p> <p>20 A Yes.</p> <p>21 Q And you believe this was before 2007?</p> <p>22 A I think so, because -- yes.</p> <p>23 Q Did you have any discussions with anybody from the</p> <p>24 Department of Labor after 2007?</p>
<p style="text-align: right;">Page 187</p> <p>1 A I would -- I would only guess.</p> <p>2 Q Okay.</p> <p>3 What about the Worthington Shops, Inc.?</p> <p>4 A That's a new thing that I've heard about. They --</p> <p>5 I'm not sure.</p> <p>6 Q You don't know what it is?</p> <p>7 A No, I don't know.</p> <p>8 Q You don't know what it does?</p> <p>9 A Nope.</p> <p>10 Q You don't know who owns it?</p> <p>11 A No.</p> <p>12 Q Okay.</p> <p>13 Do you know owns Lace?</p> <p>14 A No.</p> <p>15 Q Do you know who owns Fifth Alarm?</p> <p>16 A No.</p> <p>17 Q Do you know who owns Center Stage?</p> <p>18 A No.</p> <p>19 Q Do you know who owns Anthony's?</p> <p>20 A No. I mean, whose name is on the -- no, I don't.</p> <p>21 Q Are you familiar with an investigation conducted by</p> <p>22 the United States Department of Labor involving Mardi</p> <p>23 Gras?</p> <p>24 A I think so. Well, I don't know if there's more than</p>	<p style="text-align: right;">Page 189</p> <p>1 A They sent us some kind of an inquiry or some kind of</p> <p>2 a statement.</p> <p>3 Q When was that?</p> <p>4 A It was regarding working at the Mardi Gras and labor</p> <p>5 and tips. Tips, wages.</p> <p>6 Q Was this at the same time, around 2007?</p> <p>7 A This was -- no, this was after. This was after I</p> <p>8 didn't work there anymore. This was probably like</p> <p>9 '08 into '09, I think.</p> <p>10 Q So do you believe that this was separate?</p> <p>11 A I don't know.</p> <p>12 Q Do you remember who you spoke with back in 2007?</p> <p>13 A No, it wasn't 2000 -- well, there was one that was</p> <p>14 probably 2006 where we had to go at work, go down the</p> <p>15 cellar and talk to this guy.</p> <p>16 Q Do you know if that individual was from the</p> <p>17 Department of Labor?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A And I don't know when it was, but it was before -- it</p> <p>21 was probably -- oh, God, it's so hard to remember</p> <p>22 these dates, but --</p> <p>23 Q Let's do this. Let's talk about the most recent one</p> <p>24 that you remember.</p>

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<p style="text-align: right;">Page 190</p> <p>1 A Okay.</p> <p>2 Q Okay.</p> <p>3 So you remember more recently after you</p> <p>4 stopped working there --</p> <p>5 A I got a letter in the mail from the United States</p> <p>6 Department of Labor regarding working at the Mardi</p> <p>7 Gras and the tips and the wages and then had to have</p> <p>8 a phone interview with somebody.</p> <p>9 Q Okay.</p> <p>10 And this occurred after you stopped working</p> <p>11 there?</p> <p>12 A Yes.</p> <p>13 Q So this was sometime at the end of 2008 or into 2009?</p> <p>14 A Yes, ish.</p> <p>15 Q You can say that confidently?</p> <p>16 A It was after -- I know it was after I stopped working</p> <p>17 there, and it wasn't that long, so I'm -- it's within</p> <p>18 probably six months of me not working there anymore.</p> <p>19 Q Okay.</p> <p>20 The letter, where's the letter?</p> <p>21 A Probably at my house.</p> <p>22 Q Okay.</p> <p>23 MR. CALIFANO: Tim, is that a basis for a</p> <p>24 request for a supplemental production?</p>	<p style="text-align: right;">Page 192</p> <p>1 and tell me if any of them look familiar to you,</p> <p>2 please?</p> <p>3 (Deponent read document.)</p> <p>4 MR. ZESSIN: We're still off the record?</p> <p>5 MR. CALIFANO: No, we're on the record.</p> <p>6 Did my question get on the record?</p> <p>7 MR. ZESSIN: Sorry, I just wanted to make</p> <p>8 sure.</p> <p>9 A I don't know.</p> <p>10 Q You don't know if they look familiar?</p> <p>11 A They don't look familiar.</p> <p>12 Q So as you sit here today, you have no recollection of</p> <p>13 ever seeing these requests before.</p> <p>14 A No, not this.</p> <p>15 Q Okay.</p> <p>16 Do you -- did you at any point search for</p> <p>17 documents responsive to any of these requests?</p> <p>18 A Well, I was asked to provide, like, anything that I</p> <p>19 might have, and I just have check stubs and stuff</p> <p>20 like that.</p> <p>21 I don't remember this, like, every bank</p> <p>22 account and stuff.</p> <p>23 Q Did you search for documents reflecting income that</p> <p>24 you've earned from any source from 2007 to the</p>
<p style="text-align: right;">Page 191</p> <p>1 MR. ZESSIN: Sure.</p> <p>2 Q Is there any reason why you didn't turn that over in</p> <p>3 connection with defendants' request for production of</p> <p>4 documents in this case?</p> <p>5 A I probably just didn't -- I don't know.</p> <p>6 Q Did you read the request for production of documents?</p> <p>7 A I probably did. I -- I -- I can't remember right</p> <p>8 now, but I'm sure I did. I read everything, stuff</p> <p>9 like this, so --</p> <p>10 Q Sure.</p> <p>11 Will you take a minute to --</p> <p>12 MR. CALIFANO: Can we mark this, please?</p> <p>13 (Discussion off the record.)</p> <p>14 (Recess.)</p> <p>15 (Exhibit No. 4 marked for identification.)</p> <p>16 BY MR. CALIFANO:</p> <p>17 Q Ms. Taylor, I'm going to give you what we marked as</p> <p>18 Exhibit 4.</p> <p>19 A Okay.</p> <p>20 Q If you will just flip to the fifth page, there are</p> <p>21 numbered requests.</p> <p>22 Do you see that?</p> <p>23 A Mm-hmm.</p> <p>24 Q Will you please flip through the numbered requests</p>	<p style="text-align: right;">Page 193</p> <p>1 present?</p> <p>2 A Did I --</p> <p>3 Q Not just the Mardi Gras, but from any source.</p> <p>4 A What's the present like? The present now or the</p> <p>5 present up until I stopped working there, when this</p> <p>6 was filed or up to when --</p> <p>7 Q Up to the date of this response, March of 2010.</p> <p>8 A No.</p> <p>9 Q You did not?</p> <p>10 A Say it one more time. I did not --</p> <p>11 Q Search for documents reflecting income from sources</p> <p>12 other than Mardi Gras between March of 2007 and March</p> <p>13 of 2010?</p> <p>14 A I don't think so.</p> <p>15 Q Okay.</p> <p>16 Did you search for any documents concerning</p> <p>17 any claim for -- well, the claim for</p> <p>18 unemployment that you made?</p> <p>19 A Nope, I did not.</p> <p>20 Q And as you testified earlier you did file a claim for</p> <p>21 unemployment?</p> <p>22 A Yes.</p> <p>23 Q You have received documents from the unemployment</p> <p>24 board?</p>

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<p style="text-align: right;">Page 194</p> <p>1 A Yes, yes, I have -- I'm a pretty good document 2 keeper, so whatever it relates to, I usually have it. 3 Q Okay. 4 So you do have documents that are 5 responsive to that request? 6 A Yes. 7 Q Okay. Back up to number one for a second. 8 You have documents that are responsive to 9 the request for documents reflecting income that 10 you have earned from sources other than Mardi 11 Gras between 2007 and 2010? 12 A Do I have some? Yes. Tax returns and stuff? Why do 13 you have to -- 14 (Deponent read document.) 15 Q I think you testified before that you didn't look for 16 your communications with Mr. Bruso, right? 17 A Right. I forgot about him. Sorry. 18 Q Okay. 19 Did you search for documents responsive to 20 Request No. 10? 21 A No. 22 Q And -- 23 A No. 24 Q What about --</p>	<p style="text-align: right;">Page 196</p> <p>1 THE DEPONENT: I just wanted to read the 2 front. 3 BY MR. CALIFANO: 4 Q Okay. 5 Let's go back to this letter that you 6 received from the DOL after you stopped working 7 at Mardi Gras. 8 Do you recall who sent the letter? 9 A I'm not sure. 10 Q Do you recall what the letter said? 11 A Not really. I think that it said they will be 12 calling you for a phone interview regarding your 13 employment at the Mardi Gras, but I -- 14 Q Did you have a phone interview? 15 A Yes. 16 Q Do you recall when that phone interview occurred? 17 A I think it was shortly after -- I think it was in 18 '08, but I'm not sure. I think it was after I didn't 19 work there, but not too long -- I think it was still 20 kind of nice out. I don't know. 21 Q Okay. 22 Do you recall who you had an interview 23 with? 24 A I'm not sure, but I know there was one guy's name. I</p>
<p style="text-align: right;">Page 195</p> <p>1 MR. ZESSIN: Make sure you read it over. 2 A There's so many parts to it. 3 Q How about this. I'll clarify. 4 Did you search for documents regarding the 5 Department of Labor? 6 A You mean like to send to you guys? 7 Q Yes. 8 A For the purpose of this case? No, I -- I don't need 9 to search. I know where they are. 10 Q Where are they? 11 A At my house. 12 Q How many documents do you have? 13 A Oh, I don't know; but, I mean, if I got a letter from 14 the government, I save it, so -- 15 Q Did you receive -- I think you said you received a 16 letter from the Department of Labor, right? 17 A Yes. 18 Q Okay. 19 Did you turn that letter over in this case? 20 A No. 21 MR. CALIFANO: Tim, can we make another 22 request for supplemental production? 23 MR. ZESSIN: Yes, we will supplement. 24 MR. CALIFANO: Okay.</p>	<p style="text-align: right;">Page 197</p> <p>1 don't know if he's the person that I had the 2 interview with, so I can't say if -- 3 Q What's the individual's name that sticks out in your 4 head? 5 A Martin. 6 Q Andexler? 7 A Yes. But I don't know if he's the one that actually 8 was the phone interview guy, but I think he was -- I 9 don't know. 10 Q Did the person with whom you had a phone interview 11 explain to you why they were contacting you? 12 A It was a little bit vague, the whole thing, but it 13 had to do with, like, they wanted to know about the 14 situation, how you got paid and about the tip-out. 15 But it wasn't really -- it didn't seem 16 that in depth, and -- 17 Q How long was the conversation? 18 A I can't remember. 19 Q Okay. 20 And you -- what did you explain to the 21 individual about how you got paid? 22 A I just told the truth about whatever I got paid by 23 the hour, minimum wage. 24 Q Did you discuss your tips?</p>

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<p style="text-align: right;">Page 198</p> <p>1 A I don't remember. Plus tips, I probably -- I would 2 have said. 3 Q Did you discuss the practices by which you received 4 tips? 5 A What, bartending? 6 Q Yes. 7 A Probably. I'm not -- 8 Q Did you discuss -- did you discuss this fee that you 9 claim to have had paid? 10 A Probably. 11 Q You don't recall specifically, but probably? 12 A I'm sure, because I think that's probably what the 13 point was. I don't really remember the conversation. 14 I just, umm, remember that I had a phone interview 15 and that they were supposedly contacting and calling 16 everybody, at least bartenders, that worked at the 17 Mardi Gras. 18 Q Did anybody explain to you from the Department of 19 Labor how that came about, why they were doing this? 20 A No. I want to know. 21 Q Did you ask? 22 A No, they -- I don't think they'll tell you. 23 Q How long did you say the interview lasted? I forgot. 24 A I didn't. I -- I would guess about 20 minutes.</p>	<p style="text-align: right;">Page 200</p> <p>1 copier, so I could have -- I like to make copies of 2 stuff like that. 3 Q It's your usual practice to do that? 4 A If it's an important thing I want a record of, 5 communication with government agency, yes. 6 Q So you considered this to be an important thing that 7 you would want a record of? 8 A I -- I think so. I don't know if I made a copy, but 9 I -- it's probably like a 70 percent chance that I 10 did make a copy. 11 Q Okay. 12 A I would probably have the request letter. 13 Q Did you provide -- other than this document you 14 signed and sent back, did you provide any other 15 documents to the Department of Labor? 16 A No, I don't think so. 17 Q Okay. 18 Did they send you any other documents? 19 A I don't think so, no. 20 Q Do you know if anybody else was interviewed? 21 A Yes, I think so. I think they called -- I know my 22 friend Beth, she was a bartender with me. 23 Q You know Beth spoke with the Department of Labor? 24 A I think so. I think everybody -- they called you and</p>
<p style="text-align: right;">Page 199</p> <p>1 Q Okay. 2 Other than this telephone interview, did 3 you ever have any other communications with the 4 Department of Labor? 5 A I think they mailed something for you to sign, and 6 I'm not sure, I can't remember what it was -- 7 Q So this is something different than the letter they 8 sent to you? 9 A I'm not sure if it's different, but I think there was 10 probably -- I think the first thing that I said I 11 think was like a notice. 12 And then I believe that there was 13 something else, like you sign when you worked 14 there and what your name is and whatever. It 15 was like a small form, I think. 16 Q Okay. 17 Did you send that form to somebody? 18 A I believe so. 19 Q Who? 20 A Just back to whoever at the Department of Labor. 21 Q Okay. 22 Did you keep a copy of whatever it was that 23 you sent? 24 A Maybe. I make copies if I can, but I don't have a</p>	<p style="text-align: right;">Page 201</p> <p>1 asked you -- 2 Q I just want to be clear. 3 How do you know? Why do you think that 4 Beth did? 5 A Because she called me and asked me if I got a letter 6 or texted me or something. 7 Q Did she tell you she spoke to the Department of 8 Labor? 9 A I can't remember. 10 Q Did anybody else tell you they spoke to the 11 Department of Labor? 12 A I think so, but I don't remember who or -- 13 Q What's Beth's full name? 14 A Beth Papesh. 15 Q Can you spell that? 16 A P-A-P-E-S-H. 17 Q Was she a bartender at Mardi Gras? 18 A Yes. 19 Q Did you discuss the substance of any discussion that 20 she had with the Department of Labor? 21 A No, I don't think so. I don't even really remember. 22 I don't know if maybe it was a text message or 23 something. I think she called me. 24 Q Not including your attorney, did you have any</p>

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<p style="text-align: right;">Page 202</p> <p>1 discussions with anybody else about the Department of 2 Labor? 3 A I don't think -- maybe Bobby, but I -- just kind of 4 like, Did you get a phone call from the Department of 5 Labor or -- 6 Q Mr. Bruso wasn't a bartender, correct? 7 A Correct. 8 Q So what -- why would you think that he would be -- 9 A I -- I don't think that he would be. I think that he 10 asked me, because he -- I don't know if it's -- they 11 contacted him, too, or what. 12 Q So you're saying that Mr. Bruso told you that he had 13 spoken with the Department of Labor? 14 A Or maybe he asked -- I don't know, but I think -- 15 like, he was aware of it, and I'm sure that it's come 16 up, but I don't know in what context or what we 17 talked about, but -- 18 Q You don't know how Mr. Bruso was aware of it? 19 A I don't know. I don't know how he was aware of it, 20 but -- 21 Q Okay. 22 Other than your attorneys, have you had 23 discussions with anyone about the allegations in 24 the complaint?</p>	<p style="text-align: right;">Page 204</p> <p>1 A No, no, I don't. 2 Q Okay. 3 A Actually, I think they were trying to contact them 4 or -- I -- what did we do. 5 I don't know if it was the Department -- I 6 can't remember. I don't know if I heard 7 anything about it. 8 Q Let's go back and see if we can calculate what you 9 claim your damages to be. I think you had said that 10 you had paid \$25 per shift, right? 11 A Yes. 12 Q For four shifts per week? 13 A Yes. 14 Q Totaling 400 per month, right? 15 A Yes. 16 Q Okay. 17 A Or however many days I worked in a month. That's an 18 approximate number. 19 Q Okay. 20 Do you have any understanding as to what 21 the statute of limitations is in this case? 22 A Actually, I -- I don't understand it, no. 23 Q Do you have any basis to dispute that the statute of 24 limitations is two years?</p>
<p style="text-align: right;">Page 203</p> <p>1 A My boyfriend. 2 Q Who is that? 3 A Sean. 4 Q I think you identified him earlier. 5 What's his last name? 6 A Yes, Mitchell. 7 Q Anybody else that you haven't previously identified 8 today? 9 A Like about the -- that I'm involved in this? 10 Q Any aspect of your allegations in your complaint. 11 A Not really. Let me think. Let me think. 12 Q Do you want to take a break and get something to eat? 13 A No, no, I'm good. I just ate. I don't think so. 14 Q Do you know if the Department of Labor concluded an 15 vision an investigation? 16 A I -- I don't know. I feel like I heard that, but 17 then -- but I don't know where I heard it and I 18 haven't heard anything from them or about it 19 formally, so I'm not sure. 20 Q So you don't know what the outcome, if any, of any 21 Department of Labor investigation was? 22 A No. 23 Q So you don't know whether or not the Department of 24 Labor concluded that you were owed any money?</p>	<p style="text-align: right;">Page 205</p> <p>1 A No, I don't have any basis to dispute that. 2 Q So if we use two years as the statute of limitations, 3 that would mean that you worked for approximately 4 eight months during the statute of limitations. 5 Would you agree with that? 6 A No. 7 Q No? Why not? 8 A Because I would at least consider it from the time I 9 was let go, going back. 10 Q And if we use two years as the statute limitations 11 and the complaint was filed in January 2010, two 12 years before that would be January of 2008, right? 13 A Right. I know what you're saying, but that's not 14 what I would consider to be two years, because it 15 takes a long time to get to that point, but I -- 16 Q I understand. 17 You're saying that you would start the 18 statute of limitations from the day that you 19 stopped working there and count backwards? 20 A Yes. 21 Q Okay. 22 For the sake of argument, let's use the day 23 that you filed the complaint, okay? 24 A Okay.</p>

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